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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,073	06/02/2005	Fumiyoshi Abe	450100-04618	8647
7590 12/10/2008				
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,073

Applicant(s)

ABE ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 8 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. The amendments filed on 08/07/2008 have been entered and made of record. Claims 1-8 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-6, and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamoto et al. (US Pat. No. 5,857,058) in view of Inuiya et al. 9US Pat. No. 6, 222, 986).
5. Regarding claim 1, Iwamoto discloses a video tape recorder that sequentially forms recording tracks aslant on a magnetic tape and records video data, audio data, and auxiliary data related to the video data and the audio data onto the magnetic tape (see figure 4, abstract, and col. 7 lines 34-41), comprising: data compressing means for compressing the video data and the audio data to generate compressed video data and compressed audio data (see col. 7 lines 14-21 and figure 1); pack unit generating means for generating a pack unit by forming compressed video data into a block for each predetermined number of pictures and combining the compressed video data of the block, the compressed audio data corresponding thereto, and the

auxiliary data corresponding thereto (see figure 3A-3D, col. 5 lines 51-65, col. 6 lines 3-8 and col. 6 lines 42-51); and a recording system that allocates data of the pack unit to a main sector and allocates the auxiliary data of the pack unit to a subcode sector to sequentially form recording tracks based on the main sector and the subcode sector (see figure 4), wherein the auxiliary data of the main sector includes at least reproduction standard management information, which corresponds to time management information of the video data in a decoding mode and which is disposed in the order of pictures of the video data (see col. 6 lines 3-7, col. 8 lines 39-65), and the auxiliary data of the subcode sector includes at least the reproduction standard management information and picture type information that are disposed in the order of pictures of the compressed video data (see col. 13 line 45-col. 14 line 40).

Claim 1 differs from Iwamoto in that the claim further requires the pack unit generating means adds, to the main sector, a header data indicating types of auxiliary data that are added to the main sector.

In the same field of endeavor Inuiya discloses the pack unit generating means adds, to the main sector, a header data indicating types of auxiliary data that are added to the main sector (see col. 14 line 52-col. 15 line 5 in auxiliary recording area four types data are recorded, (i.e. in auxiliary recording area auxiliary data are recorded), and the header indicates the type of the four data). See also figure 13. Therefore in light of the teaching in Inuiya it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamoto by having a header that indicates the type of the auxiliary data in order to navigates the data with little effort.

Regarding claim 3, Iwamoto discloses search data generating means for generating search data from picture data by encoding within a frame in the video data (see claim 1); and auxiliary data generating means for generating auxiliary data for search related to the search data (see col. 8 line 51-col. 9 line 21), wherein the pack unit generating means further combines the search data and the auxiliary data to generate the pack unit (see col. 19 line 33-col. 20 line 3), of the auxiliary data of the search data, search data of the video data recorded on the magnetic tape is recorded on the basis of the time management information of the video data in the decoding mode (see col. 8 line 66-col. 9 line 50), and display data to be displayed with an image based on the search data is recorded on the basis of the time management information on reproduction and output of the video data (see figure 1 and col. 6 lines 3-33).

Regarding claim 4, Iwamoto discloses the search data is tape position information indicating a position where the corresponding video data has been recorded (see col. 8 lines 30-51 and col. 10 lines 30-35).

Regarding claim 5, Iwamoto discloses the search data is management information on a reproduction standard of the corresponding video data (see abstract).

Regarding claim 6, Iwamoto discloses the display data is time information of the corresponding video data (see col. 4 lines 15-21).

Method claim 7 is rejected for the same reasons as discussed in claim 1 above.

Allowable Subject Matter

6. Claims 2 and 8 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
November 24, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621